

REMARKS/ARGUMENTS

Applicants attach herewith the requested Terminal Disclaimer. As Examiner Booth will note, the Terminal Disclaimer includes those possibly related issued patents and pending applications stemming from the original "bulk filing" cases filed by Motorola. In addition to this Terminal Disclaimer, Applicant is expressly abandoning, or has already let go abandoned, the following applications:

09/721566  
09/911496  
09/842734  
09/901109  
09/985757  
10/372281  
10/267692  
10/279078  
10/767994  
10/767996  
10/767998  
09/986034

Thus, it is believed that this case is now in condition for allowance. In this regard, Applicants note, especially, recently abandoned case Serial No. 09/986,034. In that case the claims were rejected over Calviello, Guenzer and/or Mantl. However, it would not have been obvious to substitute an amorphous buffer into the device of Calviello for at least the reason that Calviello teaches is that his "buffer layer" of, e.g.,  $\text{SrTiO}_3$ , "is single crystalline with ceramic substrate 12." See, e.g., col. 2, lines 45-46 of the reference referring to Figure 2 therein. It would therefore be antithetical to the reference's teaching to substitute in an amorphous buffer, as this would violate both the basic nature of the reference buffer as well as the relationship between the reference buffer and substrate. The reference to Guenzer refers to the growth of silicon on BTO, not vice versa ( "[t]he epitaxial growth of Si over BTO should present few problems and few variations from the usual processes for epitaxial silicon growth."), and thus does not assist in the establishment of a *prima facie* case. Finally,

Application No. 10/768,108  
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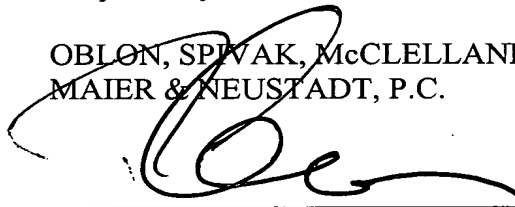
the mixed crystals formed on the amorphous layer in Mantl are not monocrystalline perovskite oxides. In fact, they are not even oxides. See, e.g., Examples 1 and 2 where a Si-Ge film is deposited (Ex.1) and a cobalt silicide film is formed (Ex. 2).

With regard to the Terminal Disclaimer, Applicants note that the filing of a terminal disclaimer simply serves the statutory function of removing the double patenting rejection, and raises neither a presumption nor an estoppel on the merits of the rejection. *Ortho Pharmaceutical Corp. v. Smith* 22 USPQ2d 1119 (Fed. Cir. 1992); *Quad Envtl. Technologies Corp. v. Union Sanitary Dist.*, 946 F.2d 870, 874, 20 USPQ2d 1392, 1394-95 (Fed. Cir. 1991).

Applicants submit that this case is now in condition for allowance, and early notice to this effect is requested.

Respectfully submitted,

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